

Notice of Allowability

Application No.

10/674,163

Examiner

Joseph W. Drodge

Applicant(s)

DEL VECCHIO ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on October 18, 2004.
2. ☒ The allowed claim(s) is/are 32-56, now renumbered claims 1-25.
3. ☒ The drawings filed on 29 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0904
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1004
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joshua Cohen on October 18, 2004.

The application has been amended as follows:

In claim 32, in line 5 "and" has been replaced with --, said system being-- and -- enable the compartment to-- has been inserted after "configured to" and in line 6 -- substrate in said-- has been inserted after "to said".

In each of claim 42, part (b), (ii) and claim 50, part (c), (ii) --substrate in--has been inserted after "to".

In the Specification, on page 1, -- This application is a continuation of application 09/939,085, filed 08/24/2001, now patent 6,627,082, which is a continuation-in-part of application 09/329,538, filed 06/10/1999, now patent 6,331,251. -- has been inserted immediately below the Title.

The Abstract of record has been canceled and replaced with the following new Abstract:

--

ABSTRACT

A system is provided for withdrawing permeate from a substrate. The exemplary system includes a vessel having a wall configured to contain substrate, a compartment positioned adjacent the wall of the vessel and configured to receive substrate from the vessel, and a filter positioned at least partially within the compartment and configured to separate permeate from substrate during operation of the filter. The compartment is configured to contain cleaning solution and substantially prevent cleaning solution from contacting substrate in the vessel during cleaning of the filter.

--

The following is an examiner's statement of reasons for allowance: Each of independent claims 32,42 and 50 is distinguished from the claims of parent patents 6,627,082 and 6,331,251 in view of respective recitations of "a compartment positioned adjacent said wall...vessel". The independent claims also distinguish over all of the prior art of record in view of respective recitations in each independent claim concerning system configuration to return substrate portion to substrate in the vessel and/or system configuration to contain cleaning solution in the compartment and substantially prevent cleaning solution from contacting substrate in the vessel during cleaning.

The changes made by Examiners Amendment were for the purposes of clarification, consistency with language of the Instant Specification on pages 19-22 and to be encompass all embodiments recited in the dependent claims and were not intended to narrow the scope of any of the instant claims, support for the changes made by Examiners Amendment are found, for example, in figures 4,6 and 8 and pages 19-22 of the Instant Specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1723

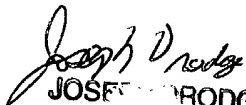
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at 571-272-1151. The fax phone number for the examining group where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

October 18, 2004


JOSEPH DRODGE
PRIMARY EXAMINER